



ACTION ITEMS – JANUARY 2003 BOARD MEETING

COMMUNICATIONS AND PUBLIC EDUCATION COMMITTEE

The board:

- Held an informational hearing on educating the public about buying drugs from other countries especially Canada and online. The committee will work on a brochure to educate consumers on the potential health risks associated with this activity.
- Reported that it has contracted with Hope Tamraz to produce two issues of *The Script* annually. The January edition is in the final stages of development and will be mailed in February. To reduce printing and postage costs, the board will only mail the newsletter to pharmacies. Pharmacists and other licensees will be encouraged to download the newsletter from the board's Web site. The committee is working with other organizations that may be interested in printing and mailing the newsletter to pharmacists.
- Reported that it has obtained translations of the new "Notice to Consumer" poster into five languages – Spanish, Vietnamese, Chinese, Korean and Russian. Each translation has been converted into an 8.5 x 11 inch sized poster that is a small version of the English poster. The translated posters are now available for downloading from the board's Web site.
- Reported that *Health Notes* #7 on Geriatrics is with the graphic artist. The University of California, San Francisco, School of Pharmacy received outside funding to develop this issue, and the California Society of Health-Systems Pharmacists received a grant to assist with the printing.
- Reported that a seminar on Consumers and the Dietary Supplement Marketplace was held January 17, 2003. This was the second in a series of health care topics presented in Sacramento. The seminars are co-sponsored by the Department of Consumer Affairs, the UCSF Center for Consumer Self-Care and the Board of Pharmacy. The next seminar is February 21, 2003, on What Everyone Needs to Know About Managing Pain Effectively.

LICENSING COMMITTEE

The board:

- Recognized Loma Linda University, School of Pharmacy and the University of California, San Diego School of Pharmacy until final accreditation by the American Council of Pharmaceutical Education is granted.
- Formed an ad hoc committee of the board's three public members to explore the need to regulate Pharmacy Benefit Managers (PBMs) as a means to better protect California consumers.
- Moved to a regulation hearing proposed new amendments to California Code of Regulations (CCR) title 16, sec. 1751, standards for compounding sterile injectable drug products.

ENFORCEMENT COMMITTEE

The board:

- Voted to change its citation and fine process that would delegate to the executive officer or designee the authority to issue a citation and fine, a change recommended by the Joint Legislative Sunset Review Committee. This change will require regulatory notice to amend the board regulations.
- Agreed to sponsor legislation to add Business and Profession Code sections 4083 (Order of Correction), 4315 (Letter of Admonishment) and 4314 (Order of Abatement). These legislative changes are being pursued to give the board additional tools to address non-compliance issues at the administrative level.
- Responded to the request from the Sunset Review Committee to consider the current requirement that Inspectors of the Board of Pharmacy be pharmacists. The board took the position that it retain its pharmacist inspectors because they are vital to executing the board's public protection mandate. The board also agreed that it should have the authority and flexibility to use other civil service classifications to investigate and inspect pharmacies in those situations that do not warrant the expertise of a pharmacist, such as: assisting inspectors with complex investigations or performing drug audits. No additional action is needed to do this.
- Agreed to grant pharmacists 6 hours of continuing education a year for attending a board meeting. The CE would be board-issued (not ACPE) and board members would not be eligible to receive the credit.
- Returned to the Enforcement Committee the proposed adoption of CCR, title 16, sections 1784 and 1785 regarding wholesale transactions and statement of prior sales for further review and discussion.

LEGISLATION AND REGULATION COMMITTEE

The board:

- Adopted the proposed regulation amendment to CCR, title 16, section 1732.2 – Coursework from Non-Recognized Providers. Once the regulation amendment is approved, the board can accept continuing education coursework approved by the Medical Board of California, The California Board of Podiatric Medicine, the California Board of Registered Nursing, or the Dental Board of California. This amendment eliminates the requirement that the pharmacist must petition the board for such coursework.
- Was advised that the following regulations were forwarded to the Office of Administrative Law (OAL) for review. Final action by OAL on the regulations is expected by mid-February. The regulations are: section 1717(e) – delivery of medications to a location where a patient receives health care; section 1720.4 – acceptance of transcripts if verified by a credentials evaluation service for candidates who graduated from a foreign pharmacy school; and section 1745 – extension to 14 days in which a partially-filled Schedule II prescription may be completely filled.

- Agreed to sponsor amendments to sections 4312 and 4403 in the annual omnibus bill. These are technical amendments. Section 4312 would replace “void” with “cancel” to make the usage consistent with other provisions of pharmacy law and delete a reference to “medical device retailers” that are no longer regulated by the board. The second section, 4403, would add “reissue” with “renew” to make the usage consistent with other aspects of pharmacy law.
- Agreed to sponsor legislation to update the qualifications for licensure as a pharmacy technician. The proposal would restrict the associate degree qualification option to an associate degree in pharmacy technology and would add certification by the Pharmacy Technician Certification Board (PTCB) as a qualification option. The proposal would only affect those seeking pharmacy technician licensure after January 1, 2004.
- Encouraged stakeholders to introduce legislation in cooperation with the board to permit flexibility in the supervision of ancillary personnel in a pharmacy. In October 2002, the board supported a draft proposal permitting a pharmacist to supervise no more than 4 ancillary personnel (defined as pharmacy technicians, pharmacy technician trainees, or pharmacy interns) at any one time and in any combination except a limit to supervising only one pharmacy technician trainee. The proposal also permits a pharmacist to decline to supervise additional staff in the pharmacist’s professional judgment that staff would interfere with the pharmacist’s professional responsibilities.
- Agreed to sponsor legislation permitting the board to waive statutes and regulations to protect the public health in response to a declared emergency.

ORGANIZATIONAL DEVELOPMENT COMMITTEE

The board:

- Reported on the Sunset Review process. On November 19, 2002, the board testified before the Joint Legislative Sunset Review Committee (JLSRC) responding to the 31 questions and issues that the committee identified. In March, the Department of Consumer Affairs will present at a public hearing its recommendations. Then at a separate hearing in April, the JLSRC will issue its final recommendations and vote on them.
- Responded to request from the JLSRC that it make all committee meetings public. The board took the position that it not require all committee meetings be public. Instead leave the decision to the board based upon the interest of the public in the matters before the committee. Further, all board actions must take place at a public board meeting, where the board discusses the matter for the first or subsequent times.
- Responded to the request from the JLSRC to expand the number of public members on the board by two. The board supported the recommendation that number of public members be increased by two and cautioned that if such action was taken, that the board be given the additional resources to fund the two positions.
- Responded to the request from the JLSRC to define what “actively engaged” in the practice of pharmacy means to the board. The board did not take a position on this request. The board recognizes that the knowledge of a pharmacist is required in a number of diverse environments and that the scope of a pharmacist’s practice has been broadened in the recent years by the Legislature.

- Agreed to submit a deficiency augmentation request to maintain ongoing access to legal services from the Attorney General's Office.
- Reported that for the 2002/03 budget, the board lost four positions that were vacant – two clerical and two associate analyst positions (which includes the newsletter editor and the public outreach coordinator). The board will seek reinstatement of these positions once fiscal conditions permit.
- Reported that based on a fund condition statement released with the new state budget on January 10, 2003, the transfer of a portion of the \$6 million of the board's fund will need to be repaid beginning January 1, 2004, or else the board will likely need to increase fees. The board is projected only to have \$75,000 remaining in its fund on June 30, 2004. The Department of Consumer Affairs will assist the board in obtaining the repayment schedule.
- Approved minutes of the October 24 and 25, 2002 board meeting.